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*Johnson & Johnson Health Care Systems Inc.*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

JOHNSON & JOHNSON	:	
HEALTH CARE SYSTEMS INC.,	:	Civil Action No. 22-2632 (JKS) (CLW)
	:	
Plaintiff,	:	
vs.	:	<b>DECLARATION OF</b>
	:	<b>HARRY SANDICK IN FURTHER</b>
SAVE ON SP, LLC,	:	<b>SUPPORT OF MOTION</b>
	:	<b>FOR LEAVE TO FILE</b>
Defendant.	:	<b>AMENDED COMPLAINT</b>
	:	<i>Document electronically filed</i>

HARRY SANDICK, of full age, hereby declares as follows:

1. I am a partner of the law firm Patterson Belknap Webb & Tyler LLP  
and counsel to Plaintiff Johnson & Johnson Health Care Systems Inc (“JJHCS”).

2. I am a member of the bar of the State of New York and I am admitted *pro hac vice* in this matter.

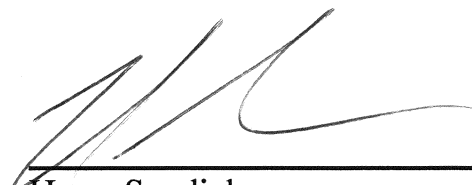
3. I submit this Declaration in connection with JJHCS's Reply Brief in Further Support of its Motion for Leave to File an Amended Complaint and to add additional parties Express Scripts, Inc. ("Express Scripts") and Accredo Health Group, Inc. ("Accredo"). As counsel to Plaintiff JJHCS, I am familiar with the facts and procedural history of this action.

4. Attached to this Declaration as **Exhibit 1** is a true and correct copy of the Declaration of Andrew Dunlap, filed at D.E. 19 on June 9, 2023 in *Johnson & Johnson Health Care Sys., Inc. v. Save On SP, LLC*, No. 2:23-mc-00019 (W.D. Tenn.).

5. On February 20, 2024, SaveOnSP filed with the Special Master a motion for clarification. That motion is the sole motion for clarification filed in this matter. JJHCS has never filed a motion for clarification in this case.

6. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: April 25, 2024

  
\_\_\_\_\_  
Harry Sandick

# Exhibit 1

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE, WESTERN DIVISION

JOHNSON & JOHNSON HEALTH CARE  
SYSTEMS, INC.,

Plaintiff,

v.

SAVE ON SP, LLC,

Defendant.

Civil Action No. 2:23-mc-00019

AFFIDAVIT OF ANDREW DUNLAP

**AFFIDAVIT OF ANDREW R. DUNLAP**

I, Andrew R. Dunlap, declare as follows:

1. I am a member of Selendy Gay Elsberg PLLC, counsel for Save On SP, LLC (“SaveOnSP”). I am admitted to the bar of the State of New York, the United States District Court for the Southern District of New York, the United States District Court for the Eastern District of New York, and the United States Courts of Appeals for the Second Circuit, Sixth Circuit, and Ninth Circuit.

2. I submit this Declaration in support of Accredo Health Group Inc.’s (“Accredo”) Opposition to Johnson & Johnson Health Care Systems, Inc.’s (“JJHCS”) Motion to Compel Compliance with the Subpoena Issued to Third Party Accredo Health Group Inc.

3. On May 11, 2022, JJHCS served its First Set of Requests for Production (“RFPs”) (comprising RFP Nos. 1 through 42) in *Johnson & Johnson Health Care Systems, Inc. v. Save On SP, LLC*, Civil Action No. 2:23-mc-00019 (D.N.J.) (the “Action”). Those requests were deemed served as of October 24, 2022, the date of the parties’ first conference pursuant to Federal Rule of Civil Procedure 26(f).

4. On October 21, 2022, JJHCS served its Second Set of RFPs (comprising RFP Nos. 43 through 52). On February 7, 2023, JJHCS served its Third Set of Requests for Production (comprising RFP Nos. 53 through 59). On April 18, 2023, JJHCS served its Fourth Set of Requests for Production (comprising RFP Nos. 60 through 71). On May 16, 2023, JJHCS served its Fifth Set of Requests for Production (comprising RFP Nos. 72 through 80).

5. In the Action, SaveOnSP has thus far produced more than 96,000 documents in party discovery to JJHCS on the following dates: November 23, 2022; February 2, 2023; March 16, 2023; March 31, 2023; April 12, 2023; April 28, 2023; May 5, 2023; May 26, 2023; June 2, 2023; June 5, 2023.

6. SaveOnSP's document productions to date include without limitation:

- a. In response to JJHCS's RFP No. 10, documents and communications, including contracts, regarding the relationship between Express Scripts and SaveOnSP, which are responsive to JJHCS's RFP Nos. 3-4 to Accredo;
- b. In response to JJHCS's RFP No. 11, documents and communications, including contracts, regarding the relationship between Accredo and SaveOnSP, which are responsive to JJHCS's RFP Nos. 1-3 to Accredo;
- c. In response to JJHCS's RFP No. 33, documents and communications SaveOnSP has received reflecting complaints, concerns, or inquiries about SaveOnSP's operations, services, and/or business model, including from patients, patient advocacy groups, health plan sponsors, governmental agencies, ESI, and Accredo, which are responsive to JJHCS's RFP No. 16 to Accredo;
- d. In response to JJHCS's RFP No. 9, the Master Program Agreement executed between Express Scripts and SaveOnSP, which is responsive to JJHCS's RFP No. 6 to Accredo;
- e. In response to JJHCS's RFP No. 23, documents showing drugs for which CarePath assistance is available. which are responsive to JJHCS's RFP No. 8 to Accredo;
- f. In response to JJHCS's RFP No. 22, documents regarding compliance with the Affordable Care Act, which are relevant to JJHCS's RFP No. 12 to Accredo;

- g. In response to JJHCS's RFP No. 41, data regarding manufacturer copay assistance provided to a pharmacy, pharmacy benefit manager, or SaveOnSP for prescriptions filled by members of SaveOnSP-advised plans, which is relevant to JJHCS's Request Nos. 18-20 to Accredo;
- h. In response to JJHCS's RFP No. 42, transaction-level data for patients who filled a prescription for a Janssen drug, which is relevant to JJHCS's Request Nos. 18-20 to Accredo;

7. SaveOnSP anticipates making substantial additional productions, which may include documents and communications in the foregoing categories that have not been produced to date.

Dated: New York, New York  
June 7, 2023

/s/



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